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Mary Elizabeth Heffernan
Secretary of Public Safety
Executive Office of Public Safety
One Ashburton Place
Boston, MA 02108

Re: Public Records Request: Fusion Center

Dear Secretary Heffernan,

First, allow me to congratulate you on your recent appointment as Secretary. We wish you the best in your new role and look forward to working with you.

As you know, for the past four years, the American Civil Liberties Union of Massachusetts has been engaged with your office to obtain public documents relating to the workings of the Commonwealth Fusion Center. Beginning in 2005, we made several requests under the Public Records Law, G.L. c. 66, § 10, and received numerous documents in response. In 2008, our executive Director, Carol Rose, and our Legal Director, John Reinstein visited the Fusion Center and were taken on a tour of the facility.

It has now been close to two years since our last correspondence with your office regarding the Fusion Center. As policies are further implemented and the Center continues its collaboration with local and federal law enforcement agencies, we continue to have questions about the scope of the Center's work and its impact on the civil rights and civil liberties of persons in the Commonwealth.

This letter constitutes a new request for documents under the Public Records Law, G.L. c. 66, § 10. We do not wish to duplicate our previous requests. Rather, this request seeks updated information and information that was not provided previously.

Information-sharing agreements

1. Any document listing all Massachusetts cities and towns with which the Commonwealth Fusion Center ("CFC") has entered into Memoranda of Understanding or other agreement regarding the sharing of intelligence or law enforcement information.

2. A copy of any Memorandum of Understanding, contract or agreement between the Commonwealth Fusion Center and the FBI Joint Terrorism Task Force.
3. Any document stating the procedures for sending information that is in the custody of the CFC to the national Information Sharing Environment.
4. Any Memoranda of Understanding, contract or agreements between the CFC and Fusion Centers in other states regarding the sharing of information.
5. Any Memorandum of Understanding, contract or agreement between the CFC and the National Counterterrorism Center regarding the sharing of information.
6. Any Memorandum of Understanding, contract or agreement between the CFC and the Boston Regional Intelligence Center (BRIC) regarding the sharing of information.

Privacy Working Group

7. Minutes of any meetings of the CFC Privacy Working Group from its inception to the present day.
8. Any reports created by the CFC Privacy Working Group.
9. Records of communications between the members of the Privacy Working Group and officers of the Commonwealth Fusion Center, the Massachusetts State Police or any other agency of EOPS.

CFC Operations and Procedures

10. A document containing a list of all entities, whether public or private that have embedded personnel in the CFC as of January 2010.
11. Records indicating how the CFC identifies or labels information that is obtained from other agencies, specifically how the CFC labels the source of the information.
12. CFC Standard Operating Procedures, rules, policies or regulations regarding responding to requests from the public under the Massachusetts Public Records laws, G.L. c. 66, § 10, or the Fair Information Practices Act, G.L. c. 66A, §§ 1 *et seq.*
13. Any Standard Operating Procedures, rules, policies or regulations regarding auditing mechanisms to ensure that data obtained by the CFC is accurate and can legally be shared with other agencies; any description of such auditing mechanisms.
14. A copy of the CFC budget for the years 2004 to present, including line items for funding and spending.

15. Records showing how many times the CFC has used undercover operatives since its inception and a description of such operations.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any copying costs pursuant to 950 C.M.R. § 32.06(5). ACLUM is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, ACLUM is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive copying costs, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to photocopy.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

Please reply to this request to by contacting me at (617) 482-3170 x311 or through email at lrotolo@aclum.org.

Thank you for your assistance. We look forward to your response.

Sincerely,

Laura Rótolo
ACLUM Staff Attorney